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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,129	03/26/2007	Henryk Kulakowski	64640.000004	5090

7590 11/27/2009  
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EXAMINER
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SARWAR, BABAR

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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11/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,129	<b>Applicant(s)</b> KULAKOWSKI, HENRYK	
	<b>Examiner</b> BABAR SARWAR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to **claims 1-2, 4-5, 7-8** have been considered but are moot in view of the new ground(s) of rejection.
2. **Claims 1-2, 4-5, 7-8** have been amended.
3. **Claims 3, 6, 9-10** have been cancelled.
4. **Claims 1-2, 4-5, 7-8** are currently pending.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-5, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolsky et al. (US 2003/0144016 A1) in view of Enzmann et al. (Us 6,687,242 B1), hereinafter referenced as Kolsky and Enzmann.**

Consider **claim 1**, Kolsky discloses a method of effecting a telecommunication connection to a service in a telecommunication network (**Abstract, where Kolsky discloses accessing telecommunication services i.e. voice and data calls**) comprising: establishing a telecommunication connection from a user's phone to an access number of a telecommunication service either via a voice channel or a text channel (**Para 0003, where Kolsky discloses accessing data and voice communications**), wherein the access number is comprised of a beginning character

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of either asterisk "\*" or hash mark "#", followed by a sequence of digits, and an optional ending character of "#" (**Para 0073, where Kolsky discloses a beginning character of "\*" followed by digits, and an optional ending character of "#"**). Kolsky further discloses that the connection will be effected by means of the text channel using Unstructured Supplementary Services Data (USSD) commands (**Para 0021, 0058, where Kolsky discloses establishing an USSD session**).

Kolsky does not explicitly disclose wherein the presence of the optional ending character determines that the connection will be effected by means of the text channel and the omission of the optional ending character determines that the connection will be effected via the voice channel, and wherein the access number is identical for the voice channel and the text channel. Enzmann discloses wherein the presence of the optional ending character (**Abstract, where Enzmann discloses adding a special character to the end of the calling party's phone number**) determines that the connection will be effected by means of the text channel (**Abstract, Col. 3:1-53, Figs. 1, 3a-b, where Enzmann discloses adding a special character to the end of the calling party's phone number directing to the calling party's web server, therefore determining that the connection will be effected by means of the text channel**) and the omission of the optional ending character determines that the connection will be effected via the voice channel (**Abstract, Col. 3:1-53, Figs. 1, 3a-b, where Enzmann discloses adding a special character to the end of the calling party's phone number directing to the calling party's web server i.e. omitting the special character to the end of the calling party's phone number will establish a voice channel, therefore**

**determining that the connection will be effected via voice channel), and wherein the access number is identical for the voice channel and the text channel (Abstract, Col. 3:1-53, Figs. 1, where Enzmann discloses the calling party's phone number).**

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kolsky with the teachings of Enzmann so as to facilitate the subscribers with the flexibility to choose text or voice communication channels based on their needs as discussed in **Col. 2:1-8.**

Consider **claim 2**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Kolsky discloses wherein the access number is further comprised of additional parameters, separated by the "\*" or "#" characters, wherein the additional parameters are entered by the user once the connection has been established (**Para 0061, 0073, where Kolsky discloses the string with "\*" and "\*" characters).**

Consider **claim 4**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Enzmann discloses wherein the telecommunication connection to a service in a telecommunication network results in a connection to another user (**Abstract, Fig. 1, where Enzmann discloses communication between users).**

Consider **claim 5**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Kolsky discloses wherein the communication between the user and the service comprised of a set of a sequences of voice or text messages exchanged between the user and the service, without the need to establish a session

**(Para 0061, 0073, where Kolsky discloses user entering numeric, alphanumeric, symbol strings, and entering string by voice).**

Consider **claim 7**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Kolsky discloses wherein the text based communication is accomplished with the use of any text channel other than the Unstructured Supplementary Services Data (USSD)) channel and commands **(Para 0021, where Kolsky discloses SMS messages).**

Consider **claim 8**, the combination teaches everything claimed as implemented above (see claim 7). In addition, Kolsky discloses wherein the text based communication is accomplished with the use of the Short Message Service (SMS) channel and commands **(Para 0021, where Kolsky discloses SMS messages).**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:00 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BABAR SARWAR/  
Examiner, Art Unit 2617

/BS/

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617